IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31375 of 2008
SANJAY MAHTO
S/o. Sri Kuleshwar Mahto, R/v. Nandu Dih,
P. S. Sirdala, District – Nawada …… Petitioner
Versus
THE STATE OF BIHAR …….. Opp. Party
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3 22.10.2008 Heard learned Senior counsel for the petitioner and learned counsel for the State.

The case is under Sections 302, 201/34 of the Indian Penal Code. The informant is the Dafadar who says that he heard about a dead body thrown in the field. He reached the place of occurrence and found the dead body. A case was accordingly instituted against unknown under the above Sections.

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It is submitted by the learned Senior counsel for the petitioner that after more than two months of the said recovery of the body some witnesses have said that this petitioner was the servant of the deceased and the deceased was assaulted brutally by the petitioner by Danda, on account of which he died. The statements of the witnesses have been read out from which it appears that on police persuasion the witnesses made those statements.

He further submits that in the post mortem report no external injury was found on the person of the deceased and cause of death has been attributed to strangulation. Except for the said statement of the three witnesses recorded in paragraph 59, 60 and 61 which according to learned Senior learned counsel for the petitioner, was extracted by the police, there is no other material collected during investigation to establish the complicity of the crime at the hands of

this petitioner. The petitioner is in custody since 1.5.2008 and it is said that he has no criminal antecedents.

In the facts and circumstances, as pointed out by learned Senior counsel for the petitioner on the basis of the materials collected during investigation, this application is allowed. Let petitioner, namely, Sanjay Mahto be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, FTC Ist, Nawada in connection with Sirdala, P. S. Case No. 08 of 2008.

Kundan **(J. N. Singh, J.)**

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